

SPONSOR'S REBUTTAL TO FISCAL NOTE

Bill Number: SB150

Date Prepared: 1/18/11

Short Title: Protection of Rights

Sponsor: Senator Art Wittich (W)

Fiscal Note Version and Date: 150_01.doc 1/14/2011

Generally, why do you disagree with the fiscal note?

While I agree with the conclusion in the Fiscal Summary that there will be \$0 impact, I disagree with the assumptions in the analysis.

Specifically, what in the fiscal note do you feel is flawed?

[Describe specific assumptions, calculations, technical issues, etc.]

The Assumptions are either incorrect, or assume that employees of the Department of Corrections will be violating the constitutional rights of youths in detention facilities. If the Department believes its employees are in fact violating others' rights, they should immediately begin training, and improve the management at those facilities.

In addition, there should be no fiscal impact to the State if the employees act inappropriately, as the bill specifically prohibits the State from defending the employees, because their improper conduct would be outside the scope of their employment.

Finally, I concur with the final assumption that "determining a cost is problematic," and it should be zero as long as State employees respect our citizens constitutional rights. Personal (not State) liability will lead to accountability, better employees, and less legal exposure to the State.

What is your estimate of the fiscal impact?

\$0.00